

AN ACT

relating to the continuation and functions of the Texas Military Department.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 437.001(6), Government Code, is amended to read as follows:

(6) "Director of state administration" [~~"Executive director"~~] means the administrative head of the department who is responsible for managing the department.

SECTION 2. Section 437.051, Government Code, is amended to read as follows:

Sec. 437.051. SUNSET PROVISION. The department is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished [~~and this subchapter expires~~] September 1, 2031 [~~2019~~].

SECTION 3. Section 437.052(b), Government Code, is amended to read as follows:

(b) The adjutant general shall adopt and implement regulations or policies that clearly separate the adjutant general's responsibilities from the administrative responsibilities of the department's [~~executive~~] director of state administration and staff.

SECTION 4. Section 437.053, Government Code, is amended to read as follows:

1 Sec. 437.053. ADJUTANT GENERAL: DUTIES. The adjutant
2 general shall:

3 (1) perform duties assigned by the governor relating
4 to the military affairs of this state;

5 (2) assume responsibility for the overall leadership,
6 management, accountability, and operations of the Texas military
7 forces, including the transportation of troops, munitions,
8 military equipment, and property in this state;

9 (3) assume responsibility for all administration of
10 the department, including ensuring compliance with applicable
11 state law and priorities and overseeing state employees;

12 (4) oversee the preparation of returns and reports
13 required of this state by the United States;

14 (5) [~~(4)~~] maintain a register of all officers of the
15 Texas military forces;

16 (6) [~~(5)~~] publish at state expense, when necessary,
17 state military law and regulations;

18 (7) [~~(6)~~] make available annual reports concerning
19 the Texas military forces;

20 (8) [~~(7)~~] establish reasonable and necessary fees
21 for the administration of this subtitle;

22 (9) [~~(8)~~] employ and arm, as the adjutant general
23 determines appropriate, persons licensed under Title 10,
24 Occupations Code, to protect property that is under the adjutant
25 general's authority and to satisfy applicable security
26 requirements;

27 (10) [~~(9)~~] define and prescribe the kind and amount

1 of supplies, including operational munitions for use in this state,
2 to be purchased for the Texas military forces;

3 (11) [~~(10)~~] prescribe general regulations for the
4 maintenance of supplies and for the transportation and distribution
5 of supplies from the place of purchase to camps, stations,
6 companies, or other necessary places of safekeeping;

7 (12) [~~(11)~~] have supplies, whether the property of
8 the United States or this state, properly cared for and kept in good
9 order and ready for use; and

10 (13) [~~(12)~~] as the adjutant general determines
11 appropriate, sell or destroy property and supplies or exchange
12 property and supplies for other military property and supplies.

13 SECTION 5. Sections 437.060(a), (b), and (c), Government
14 Code, are amended to read as follows:

15 (a) A person may not be appointed adjutant general, a deputy
16 adjutant general, a general officer, judge advocate general, or
17 [~~executive~~] director of state administration if the person is
18 required to register as a lobbyist under Chapter 305 because of the
19 person's activities for compensation on behalf of a profession
20 related to the operation of the department.

21 (b) An officer, employee, or paid consultant of a Texas
22 trade association in the field of defense or veterans affairs may
23 not be appointed adjutant general, a deputy adjutant general, a
24 general officer, judge advocate general, or [~~executive~~] director of
25 state administration.

26 (c) A person who is the spouse of an officer, manager, or
27 paid consultant of a Texas trade association in the field of defense

1 or veterans affairs may not be appointed adjutant general, a deputy
2 adjutant general, a general officer, judge advocate general, or
3 ~~[executive]~~ director of state administration.

4 SECTION 6. Section 437.062(b), Government Code, is amended
5 to read as follows:

6 (b) A deputy adjutant general, general officer, or
7 ~~[executive]~~ director of state administration employed under this
8 chapter is entitled to a salary subject to the classification and
9 salary schedule provisions defined in the General Appropriations
10 Act.

11 SECTION 7. Section 437.063, Government Code, is amended to
12 read as follows:

13 Sec. 437.063. ADJUTANT GENERAL: DELEGATION OF EXPENDITURE
14 APPROVAL AUTHORITY. The adjutant general may delegate the authority
15 to approve department expenditures to the ~~[executive]~~ director of
16 state administration.

17 SECTION 8. Section 437.101, Government Code, is amended to
18 read as follows:

19 Sec. 437.101. ~~[EXECUTIVE]~~ DIRECTOR OF STATE
20 ADMINISTRATION. (a) The ~~[executive]~~ director of state
21 administration is a senior-level ~~[an]~~ employee of the department
22 and is appointed by and serves at the pleasure of the adjutant
23 general.

24 (b) Subject to Sections 437.052 and 437.054, the
25 ~~[executive]~~ director of state administration may enter into
26 contracts related to the purposes or duties of the department and
27 may have and use a corporate seal.

1 (c) The [~~executive~~] director of state administration is
2 responsible for the daily administration of the department's state
3 support operations [~~department~~] and the operational compliance
4 with the cooperative agreements between the department and the
5 National Guard Bureau.

6 (d) The adjutant general shall adopt and implement a policy
7 outlining the director of state administration's responsibility
8 for state administrative interests across all department programs,
9 including evaluating procedures for oversight of state employees
10 and mitigating administrative and other compliance risks.

11 SECTION 9. Section 437.102, Government Code, is amended to
12 read as follows:

13 Sec. 437.102. DEPARTMENT PERSONNEL. (a) The [~~executive~~]
14 director of state administration may hire employees as necessary to
15 carry on the state support operations of the department.

16 (b) The [~~executive~~] director of state administration or the
17 director of state administration's [~~executive director's~~] designee
18 shall provide to the adjutant general and to department employees,
19 as often as necessary, information regarding the requirements for
20 office or employment under this chapter, including information
21 regarding a person's responsibilities under applicable laws
22 relating to standards of conduct for state officers or employees.

23 SECTION 10. Section 437.104, Government Code, is amended to
24 read as follows:

25 Sec. 437.104. CAREER LADDER PROGRAM; PERFORMANCE
26 EVALUATIONS. (a) The [~~executive~~] director of state administration
27 shall develop a career ladder program. The program must require

1 intra-agency postings of all non-entry level positions
2 concurrently with any public posting.

3 (b) The [~~executive~~] director of state administration shall
4 develop a system of employee performance evaluations. The system
5 must require that evaluations be conducted at least annually. All
6 merit pay for department employees must be based on the system
7 established under this subsection.

8 SECTION 11. Section 437.108, Government Code, is amended to
9 read as follows:

10 Sec. 437.108. TECHNOLOGY POLICY. The department shall
11 develop and implement a policy requiring the [~~executive~~] director
12 of state administration and department's employees to research and
13 propose appropriate technological solutions to improve the
14 department's ability to perform its functions. The technological
15 solutions must:

16 (1) ensure that the public is able to easily find
17 information about the department on the Internet;

18 (2) ensure that persons who want to use the
19 department's services are able to:

20 (A) interact with the department through the
21 Internet; and

22 (B) access any service that can be provided
23 effectively through the Internet; and

24 (3) be cost-effective and developed through the
25 department's planning processes.

26 SECTION 12. Section 437.151(a), Government Code, is amended
27 to read as follows:

1 (a) The real property advisory council is composed of the
2 following eight members:

3 (1) two deputy adjutants general;

4 (2) the [~~executive~~] director of state administration;
5 and

6 (3) five public members who are not actively serving
7 in the Texas National Guard and who have experience in
8 architecture, construction management, engineering, property
9 management, facilities maintenance management, real estate
10 services, or real property law.

11 SECTION 13. This Act takes effect September 1, 2019.

President of the Senate

Speaker of the House

I certify that H.B. No. 1326 was passed by the House on April 5, 2019, by the following vote: Yeas 141, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1326 on May 14, 2019, by the following vote: Yeas 137, Nays 0, 3 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1326 was passed by the Senate, with amendments, on May 3, 2019, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor